



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF FIRE SERVICES
RICHARD W. MILLER
STATE FIRE MARSHAL

STEVE ARWOOD
DIRECTOR

STATE FIRE SAFETY BOARD MEETING MINUTES
Thursday, March 27, 2014

Members Present

John Enkemann
David Henry
Greg Herman
Donald Hicks
Mark Jensen
Andrew Lenaghan
Thomas Lippens
Dean Mallos
Rich Miller, SFM
Dr. Usamah Mossallam
Kassandra Renneberg
Les Rodwell, **Chair**
Ron Sabin
John Wozniak

Members Absent

David Herbel
Dr. Ralph Hodek
William Mayes, Vice-Chair

Guests

Greg Cole, Spectrum Health/MiSHE
Kevin Evans, LeadingAge Michigan

Michigan Department of Licensing and Regulatory Affairs Personnel

Mike Deprez, BFS/Deputy Director
Kim Osborn, BFS/Executive Secretary to the Board
Ann Searles, BFS/Business Manager

CALL TO ORDER AND DETERMINATION OF QUORUM

Meeting was called to order at 1:02 p.m. Chair Rodwell asked all to stand for the Pledge of Allegiance. Chair Rodwell requested a moment of silence for public safety officers and the military. Roll Call by Board Secretary Kim Osborn determined that a quorum was present. Chair Rodwell gave emergency exiting procedures. Introductions were made by Board Members and guests. Chair Rodwell informed the board that once again, two firefighters lost their life in the line-of-duty in an apartment fire in Boston yesterday.

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Agenda

Chair Rodwell requested any additions, deletions or changes to the agenda. No changes.

Disposition of Minutes

Chair Rodwell requested a review of Meeting Minutes of the December 5, 2013.

Correction was noted that Greg Herman attended the meeting and voted in person; not by conference call and Thomas Lippens attended and voted by conference call; not in person.

A **MOTION** was made by Board Member Henry to approve the minutes. **MOTION SUPPORTED** by Board Member Wozniak. **MOTION CARRIED.**

BUREAU OF FIRE SERVICE REPORT

Reorg.

The bureau recently eliminated some positions. Mike Deprez is now the Deputy Director and Ann Searles is a new addition to the bureau and will be the bureau's Business Manager working on the budget, the fireworks program process and procedures that we need to improve on.

Ann's background includes 15 years of experience in the mortgage industry; she underwrote, processed and closed loans. She was the manager of accounts payable for LARA for 5 years, and has been an Accountant for 4 years with LARA.

Two positions SDA State Department Administrator 17 positions were consolidated down to one; with one being eliminated. Mike Deprez was the chosen candidate for that position. A new position Business Manager position was created in which Ann Searles was the chosen candidate for.

An updated list of bureau staff with contact info was requested by board.

Audit

Audit findings should be out within next couple weeks. In those findings there are a lot of processes and improvements the bureau needs to address.

Chinese Lanterns.

SFM Miller met with Rep. Darany, from Dearborn regarding legislation to ban Chinese lanterns. We are in the process of researching the issue.

There is concern over them starting fires. We are working on collecting data that is going to be pretty thin to support that. We will continue to explore this issue. They pose a risk of uncontrolled fires; you don't know which way they are going to end up. Some land still lit, even though in theory they are not supposed to.

Chair Rodwell shared an incident in which the lit lanterns were landing in people's back yards on Reeds Lake and another landed on the front of someone's car, which caused the car to go off road and hit a tree.

SFM Miller indicated one brand had a warning label that indicating; don't light on beaches, under power lines, when wind exceeds certain mph, and other stipulations of when not to use the product.

Another board member commented that there is a lot of forest land in the U.P. that could be affected.

AFCI's

Arc Fault Circuit Interrupters, unlike a GFCI (ground fault circuit interrupter), AFCI's are breakers put in electrical panels on 15 and 20 amp circuits that detect an arc in the line and can trip the breaker serving as a safety device. For instance, if you pulled the cord of a vacuum cleaner out of the wall, without turning it off, while still under load; the AFCI would detect that and trip the breaker. It's in the code in habitable living spaces, particularly bedrooms and soon to be living rooms as well. Home Builders have submitted a proposal to remove these from the 2014 Michigan Residential Electrical Code.

Currently the 2011 code, which was adopted in July, 2013, states that they are to be in bedrooms only. In the 2014 code, there is a proposal to remove them entirely from the code. Decision will rest on data.

HFES/AIA Seminar/Electronic Plan Submittals

SFM Miller attended the Health Facilities Planning Seminar sponsored by LARA and the AIA. A presentation by Irv Polk, BCC, discussed electronic plan submittals.

LARA is working to accepting electronic plan submittals by 2015. Accella will be shared between the bureaus. If you submit to BCC the number assigned to that project will be the same for BFS and BHCS as well. The department is close to having money appropriated by the legislature for LARA to purchase this software.

Adobe will safeguard the documents and this process will save on printing and mailing costs.

The Advisory Rules Committee (ARC) which is working on implementing this process has a recommendation allowing electronic submission of construction documents and

accepting an electronic signature and architectural seal vs. an embossed seal as outlined in 2013 PA 178.

State-Wide Single Fire Code

SFM Miller report that he is in the process of finalizing the draft report and hopes to have that approved and in the Governor's office within 2-3 weeks. LARA has to approve his report before it goes to the Governor. The recommendation was made to choose NFPA 1. All Adhoc Committee documentation will be approved for release to the Governor.

Fireworks

Report by Deputy Director Mike Deprez:

The 2014 application period is well underway; to date, 771 consumer applications have been submitted to the bureau. Consumer's have until midnight April 1, to submit an application. At this point, it is estimated the bureau will receive approximately 100 more applications than in 2013. The bureau has made great strides in both the application and program process this year, attempting to streamline and create more efficiency. Part of that was through survey instruments used with industry and our own internal staff. Through those BFS was able to identify a number of issues and conflicts between the statute that changed last year, Act 256 and the rules that govern it. We have convened an Adhoc Committee to address those changes and make them consistent with the statute. We just received a report that we navigated that system pretty seamlessly and as of last Thursday the 20th, the new fireworks rules were at the Secretary of State, making them effective at this time.

Some things we are expanding on this year, our second year, is the Delegation Program. The SFM will delegate to local authorities inspection rights for consumer grade fireworks stands. Last year we had 54 delegates, this year we are up to 75 delegates participating in the program. Of those 75 departments or authorities, they cover 119 cities, villages and townships, utilizing 142 fire inspectors over 28 counties. The program is growing. In the rules we added a whole new section governing the delegation process based on issues that we discovered running the program last year. Another thing we have instituted this year is a mandatory training session. Any inspector inspecting for the fireworks program, whether BFS or local delegates, must go through training sponsored by the BFS to assure consistency and the standardization of the inspection process including enforcement. This was one of biggest complaints we found through the survey tool last year. We believe that through enforcing the statute and consistency in the rules and mandatory training, we should eliminate most of the problems encountered last year other than the large volume.

Deputy Director Deprez asked if there were any questions.

Board Member Sabin asked, "Do the local fire marshals, like the city of Grand Rapids, participating in the delegation program, be able to issue tickets for violations?"

Deputy Director Deprez responded, "No, statute, Act 256, only gives the authority to the bureau's inspectors to write citations. Last year, most of our citations came from the locals. They would discover the violation or situation they were having problems with and they would call the state inspector with their issues and the state either supervisor or inspector would meet with them and resolve the issue or issue a ticket.

A question was posed regarding confiscation. Deputy Director Deprez indicated it's in the law that the bureau can confiscate, although, the law was written with no plans set up for confiscation. The bureau is looking at many options. We recently updated a couple vehicles to Explorers with towing packages and have established a state contract with U-Haul for renting trailers. We have two cites for dropping off PODS, southeast and west Michigan. Confiscation process includes inventory and dated photos. After litigation the bureau may sell the product or return it to the owner.

DD Deprez indicated money to counties for training and the fire safety fund are the two funding sources. Certificate money \$600 for tents and \$1000 for permanent structures, and the 6% safety fee on top of the 6% sales tax, with 100% of safety fee going to firefighter training in the State of Michigan. So far the firefighter safety fund has \$3.4M. To date, \$1M has been appropriated during the past year for firefighter training. The money to be spent is allocated through the FFTD. Each County received \$10,000 totaling \$830,000. Another block of money \$95,000 has been set aside for grants for firefighter training proposed by Michigan fire departments. Those grant requests come to the FFTD for approval. There are currently more grants ready for review/approval by FFTD. There is a County Coordinator for each county who oversees the money.

FEMA Safer Grants (AFG) Assistance for Firefighter Grants:

This year is the first time ever that states have been allowed to apply for these grants. So far, 36 states have applied. BFS applied for \$500,000 to offset the cost of the Accella Program software. The bureau should know the results of the request within the next month. It could also be an adjusted amount. The software will incorporate fireworks training, fire inspections and fire inspectors CE points.

If approved the Grant requires a 15% (\$75,000) match. The FFTD approved the match to pick up the remainder of the cost.

Legislative Update

No update

Administrative Rules Update

All rules are status quo from last meetings update except:

The Health Care Rules which adopts the 2012 NFPA, Life Safety Code, are through ORR and are now at JCAR. We are hoping to get them back in time to have a public hearing in June; otherwise, the legislature will be on summer break which would postpone the process a couple more months. If we can accomplish the public hearing in June, we hope to have the rules in effect by the end of the year.

Unfinished Business

None

Fireworks Appeal Decisions

Appeal FW-11-13, was called to order at 1:57 p.m., 3/27/14, by Chair Rodwell.

Please note William Mayes is absent and did not vote. David Herbel is absent but documented by email that he upholds SFM Miller's decision. Dr. Ralph Hodek is absent, but documented by email that he denys SFM Miller's decision.

The Appeals process will follow the Fireworks Safety General Rules, specifically Rule 22.

Chair Rodwell informed the board that the photographs in the appeal review packet are dated 1/22/12. The Bureau has obtained an Affidavit from the issuing inspector, stating that he had replaced the battery in the camera and had forgotten to change the date on the camera, and that he attests that the photos were taken on 7/2 and 7/3 of 2013 between the hours of 11:02 p.m. and 4:01 a.m. Copies of the Affidavit were offered to all board members.

Secretary Osborn completed a roll call vote. At conclusion of roll call vote SFM Miller's decision was upheld in support of 14 votes upholding and 1 vote denying his decision.

Appeal FW-11-13 was adjourned at 2:01 p.m.

The decision of the Board will be mailed to the appellant in these cases. The letter shall contain notice of the right of interested parties to file an appeal to the Michigan administrative hearings system (mahs) within 28 calendar days of issuance of the board's decision.

New Business

Board Member Mallos requested a disposition on the fines. SFM Miller indicated that, this was discussed at a budget meeting this week and we were informed that it would be put in the budget for the bureau.

Board Member Lippens informed the members that Senate Bill 358 passed the House. This bill would eliminate the licensing law in a lot of big manufacturing and mines in the GR and Muskegon area. The bill is now in committee. Board Member Lippens indicated that his local Sen. Casper, of Escanaba congressman was working to defeat this bill, as he would like to maintain safety in the electrical industry, which would require maintaining licenses.

Electricians not licensed, can perform work at manufacturing plants, provided there is a master electrician for the job. The master electrician doesn't even have to be on the job and the non-licensed electrician would not be required to be licensed.

NEXT MEETING DATE

The next meeting will be held **Thursday, June 19, 2014, at 1:00 p.m.**, at 3101 Technology Blvd., Suite H, Lansing, MI.

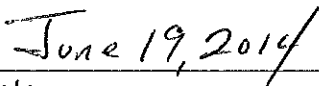
ADJOURMENT

A **MOTION** was made by Board Member Herman and **MOTION SUPPORTED** by Board Member Renneberg to adjourn the meeting at 2:10 p.m. **MOTION CARRIED.**

Approved



Chair, State Fire Safety Board



Date